U.S. Department of Interior
Bureau of Land Management
Roseburg District, Oregon

Environmental Assessment for the Swiftwater Field Office

Wahl Tract Amendment to Reciprocal Right-of-Way Agreement R-767

EA No. OR - 104 - 01 - 07

The Swiftwater Field Office proposes to amend Reciprocal Right-of-Way Agreement R-767 with Lone Rock Timber Company in order to obtain legal access to lands located in the Lower North Umpqua fifth-field watershed in Sections 27 and 29; T25S., R.5W.; W.M. (Cooper Creek reservoir). Lone Rock Timber would also obtain rights to construct two spur roads on BLM lands in order to log their lands. This project is within the Matrix (General Forest Management Area). **This Environmental Assessment analyzes the impacts to federal lands only**.

Acronyms Used:

ACS	-	Aquatic Conservation Strategy
BA	-	Biological Assessment
BO	-	Biological Opinion
BLM	-	Bureau of Land Management
EA	-	Environmental Assessment
FSEIS (SEIS)	-	Final Supplemental Environmental Impact Statement
FWS	-	U.S. Fish and Wildlife Service
LUA	-	Land Use Allocation
LRT	-	Lone Rock Timber Company
NEPA	-	National Environmental Protection Act
NFP	-	Northwest Forest Plan
NMFS	-	National Marine Fisheries Service
RMP	-	Resources Management Plan
ROD	-	Record Of Decision (used only to refer to the NFP ROD)
RROW	-	Reciprocal Right-of-Way
S&G	-	Standards & Guidelines
T&E	-	Threatened or Endangered

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Date of Preparation: April 17, 2001

INTRODUCTION

This Environmental Assessment (EA) has been prepared for the Swiftwater Field Office's proposed **Wahl Tract Amendment to Reciprocal Right-of-Way Agreement R-767** which analyzes the acquisition of access to BLM lands as well as granting certain rights to Lone Rock Timber Company. This EA provides a site specific analysis of potential environmental impacts that could result with the implementation of a proposed action. An EA assists the Agency in project planning and insuring compliance with the National Environmental Protection Act (NEPA) and in making a determination as to whether any "significant" impacts could result from analyzed actions. "Significance" as defined by NEPA is found in regulation 40 CFR 1508.27. An EA provides evidence for determining whether to prepare an Environmental Impact Statement (EIS) or "Finding of No Significant Impact" (FONSI). The FONSI is a document that briefly presents the reasons why implementation of the proposed action will not result in "significant" environmental impacts (effects) beyond those already addressed in the Roseburg District's *Final Environmental Impact Statement* (FEIS).

A Decision Record would be completed after the FONSI is signed to document the decision. A notice of this decision will be placed in *The News Review*, a daily newspaper of general circulation in Roseburg, Oregon.

I. PURPOSE OF AND NEED FOR ACTION

This section provides a general overview of the proposed action. Included are: the need for the action, purpose of the action, and conformance with existing land use plans.

A. Need for Action

The BLM has a need to respond to requests by permittees to exercise rights under Reciprocal Right-of-Way (RROW) Agreements. Lone Rock Timber Company expressed its intention to exercise rights under RROW R-767 by letter to the BLM on July 19, 2000 requesting approval of a crossing plat in Sections 27 and 29; T25S., R.5W.; W.M. to facilitate the logging of their recently acquired lands (herein referred to as the Wahl Tract). Requests such as this are considered normal governmental business and are processed routinely. These actions are assumed in the RMP (pg. 6) as administrative actions. "Administrative actions are day-to-day transactions required to serve the public and to provide optimum use of resources . . . including issuance of . . . permits." When these actions have been determined as having limited context and intensity they can be categorically excluded from Environmental Protection Act (NEPA) required analysis (516 DM 2, Appendix 1, category 1.7). This request was not approved because the new area was not covered under the existing RROW Agreement. This request is not categorically excluded from NEPA analysis therefore additional analysis would be necessary and an Environmental Analysis would be need to be prepared.

Reciprocal agreements were originally developed to resolve problems created by the checkerboard ownership pattern of BLM lands in Western Oregon. Prior to 1950 many private landowners would not grant access rights to the United States across their lands, therefore most BLM lands had no legal access. The reciprocal agreements have provided the mechanism for both parties to simultaneously

secure the long-term access rights they need to reach and manage their intermingled lands. A second major goal of reciprocal agreements was to avoid duplicate road systems by providing the mechanism for both parties to share roads. Much of the existing forest road system in the Roseburg District has been constructed under the provisions of reciprocal agreements.

Reciprocal agreements are specified in regulation 43 CFR 2812 and are composed of two separate documents: (1) a Right-of-Way and Road Use Agreement, which is a form of non-exclusive easement (the United States does not have exclusive access rights) granting rights to the United States to use roads controlled by the private landowners (Permittees) and to construct new roads over land owned by the Permittee for the purpose of reaching public (BLM) land, and (2) an O&C Logging Road Right-of-Way Permit that grants rights to the Permittee to use roads controlled by the United States and to construct new roads over public land administered by BLM for the purpose of accessing Permittee lands. The roads and lands over which rights have been granted are specifically listed in land schedules which are attached to the Agreement and Permit documents. In most BLM reciprocal agreements, rights have been granted in perpetuity.

This request also provided an opportunity for the BLM to acquire legal access to lands that heretofore have no access. The BLM has a need to acquire legal access lands that are managed by the Roseburg District. Access is obtained through easements, condemnation, or reciprocal right-of-way agreements (RMP, pg. 71).

B. Purpose of Action

The purpose of the action described in this EA is to respond to the need for the BLM to acquire legal access to lands as described above as well as responding to Lone Rock Timber Company's request for a right-of-way across BLM lands. One of the objectives of the RMP is to "[a]quire access by . . . amending existing reciprocal right-of-way agreements" (pg. 71). This action would also authorize the construction of two temporary spurs as described under the action alternatives in order to log Lone Rock Timber lands.

C. Conformance with Existing Land Use Plans

The Proposed Action and all alternatives were developed to be in conformance with the *Final - Roseburg District Proposed Resource Management Plan / Environmental Impact Statement* (PRMP/EIS) dated October 1994 and its associated *Roseburg District Record of Decision and Resources Management Plan* (RMP) dated June 2, 1995. The RMP was written to be consistent with the *Final Supplemental Environmental Impact Statement on Management of Habitat for Late-Successional and Old Growth Forest Related Species Within the Range of the Northern Spotted Owl* (FSEIS); dated Feb. 1994 and its associated *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl* (ROD) and *Standards and Guidelines for Management of Habitat for Late-Successional and Old Growth Related Species Within the Range of the Northern Spotted Owl* (S&G's) dated April 13, 1994; generally referred to as the "Northwest Forest Plan" (NFP). The NFP ROD establishes management direction consisting of ". . .. extensive standards and guidelines including land allocations, that comprise a comprehensive ecosystem management strategy" (pg. 1).

The NFP ROD (pg. 6) divides the federal landbase into seven land use allocations (LUA) or categories. This project is within the "Matrix" LUA. "Stands in the matrix can be managed for timber and other commodity production, and to perform an important role in maintaining biodiversity" (S&G, pg. B-6) by providing for biological legacies (snags, large woody debris and retention trees) that bridge past and future forests.

II. ALTERNATIVES INCLUDING THE PREFERRED ALTERNATIVE

This section describes the No Action and Proposed Action alternatives, and any alternatives considered but eliminated from detailed analysis. These alternatives represent a range of reasonable potential actions that would meet the Purpose and Need. This section also discusses specific design features that would be implemented under the action alternatives.

A. The No Action Alternative

The No Action Alternative would deny the request by Lone Rock Timber (LRT) to add additional lands into the RROW agreement. Logging would still occur on LRT lands (nonfederal action). There would continue to be no legal access to BLM lands. BLM would need to pursue six miles of easements to access BLM lands as a separate action.

B. The Proposed Action Alternative

This alternative would permit LRT Company to construct temporary roads on BLM lands in order to log Lone Rock property. Reciprocal rights would provide government access to BLM lands in Section 27 and 29. Road Use and Right-of-Way Agreement R-767 and O&C Logging Road Right-of-Way Permit R-767 would be amended as follows:

Action 1. Add a 50 foot wide, 688 foot long, strip of BLM land in the NE¼NW¼ of Section 27; T. 25 S., R.5W.; W.M. and approximately 1.5 acre tramway yarding wedge to Schedule 1, U. S. Lands. This addition would allow future road construction within the right-of-way strip only and provide Permittee access to lands in Section 22; T. 25 S., R. 5 W.; W.M. The tramway yarding wedge would be clearcut and planted with Douglas-fir seedlings in accordance with the aforementioned Roseburg District Resource Management Plan (RMP).

Action 2. Add a 50 foot wide, 164 foot long, strip of BLM land in the SE¼NE¼ of Section 29; T. 25 S., R.5W.; W.M. and approximately 0.3 acre tramway yarding wedge to Schedule 1, U. S. Lands. This addition would allow future road construction within the right-of-way strip only and provide Permittee access to lands in Section 28; T. 25 S., R. 5 W.; W.M.. The tramway yarding wedge would be clearcut and planted with Douglas-fir seedlings in accordance with the aforementioned Roseburg District Resource Management Plan (RMP).

Action 3. Lone Rock Timber would grant like access to BLM via existing Lone Rock Timber roads in Sections 22, 26, 27 and 28; T. 25 S., R.5W.; W.M. These rights would be "non-exclusive" meaning that the BLM would have rights of access for official business, its permittees or potential contractors. BLM would not be able to extend these rights of access to the general public.

Action 4. The landowner may object to the proposed construction if it may affect a species listed as threatened or endangered under the Endangered Species Act. In the event an objection is made on the basis that a threatened or endangered species is affected, the construction of the road will be delayed until consultation with the U.S. Fish and Wildlife Service under Section 7(a) of the Endangered Species Act has been completed on the proposed road. Based on the biological opinion received from the Fish and Wildlife Service, the objection may be withdrawn, modified, conditioned, or continued.

This alternative would result in the harvest of approximately 235 CCF (hundred cubic feet) or 140 MBF (thousand board feet) of timber.

C. Project Design Features as part of the Action Alternative

This section describes project design features that would be incorporated with the implementation of the action alternatives. Project design features (PDF's) are site specific measures, restrictions, requirements or physical structures included in the design of a project in order to reduce adverse environmental impacts. Additionally, the RMP (Appendix D, pg. 129) lists "Best Management Practices" (BMP's) and the NFP ROD lists "Standards and Guidelines" (S&G's). BMP's are measures designed to protect water quality and soil productivity. S&G's are ". . . the rules and limits governing actions, and the principles specifying the environmental conditions or levels to be achieved and maintained." (S&G, pg. A-6). The action alternatives include the following measures as part of the action alternative:

1. **To meet the objectives of the "Aquatic Conservation Strategy (ACS)" (RMP, pg. 19):**
   a. **Riparian Reserves (Component #1)** were established. Riparian Reserves consist of lands incorporating permanently flowing (perennial) and seasonally flowing (intermittent) streams, the extent of unstable and potentially unstable areas that may directly impact streams, and wetlands. The RMP (pg. 24) specifies Riparian Reserve widths equal to the height of two site potential trees on each side of fish bearing streams and one site potential tree on each side of perennial or intermittent nonfish bearing streams. Data has been analyzed from District inventory plots and the height of a site potential tree for the Lower North Umpqua Watershed has been determined to be the equivalent of 180 ft. therefore, Riparian Reserve boundaries would be approximately 180 ft. slope distance from the edge of non-fish bearing streams and 360 ft. from fish bearing streams in the project area (Roseburg District Memo, Jan. 18, 1995). There are no fish bearing streams or wetlands within the project area. This project is outside of any Riparian Reserves.

b. **Key Watersheds (ACS Component #2)** were established "as refugia . . . for maintaining and recovering habitat for at-risk stocks of anadromous salmonids and resident fish species [RMP, pg. 20]." This project is not in a Key Watershed.

c. **Watershed Analysis (ACS Component #3)** for the Lower North Umpqua Watershed has not been completed for this watershed. NOTE: Watershed Analysis is not required for projects in non-Key watersheds or outside Riparian Reserves (S&G's, pg. B-20).

d. The majority of the **Watershed Restoration (ACS Component #4)** efforts for this watershed would occur within the North Bank Habitat Management Area and is described in the *North Bank Habitat Management Area/ACEC - Final Environmental Impact Statement* (September 2000).

2. **To minimize soil erosion as a source of sedimentation to streams:**

a. Temporary roads would be built, used and decommissioned in the same operating season (i.e. no over-wintering of bare erodible subgrade). When logging is completed, the roadbed would be water barred, blocked and seeded with native species or a sterile hybrid mix depending on availability.

b. Log hauling would be restricted on unsurfaced roads to the dry season (normally May 15 to Oct. 15), however, operations would be suspended during periods of heavy precipitation. This season could be adjusted if conditions are such that no environmental damage would occur (eg. the dry season extending beyond Oct. 15).

3. **To provide wildlife habitat components:**

a. Future nesting and roosting habitat for cavity dwellers would be provided by reserving most existing hard or soft snags (at least 20" in diameter and 20 ft. in height) in sufficient numbers to meet the population needs of 40% of potential population (RMP pg. 64). This has been determined to be 1.2 snags per acre. Where this quantity is lacking, additional green trees would be reserved for future snag recruitment. Note: Any snag deemed as hazardous to worker safety could be felled at the discretion of the operator and the Sales Administrator. Such trees would be reserved and left in place as CWD.

b. Biological diversity, and future snag and down wood recruitment for wildlife would be provided through the retention of six to eight large (greater than 20") green conifer trees per acre (RMP Appendix E, pg. 150) in the tramway yarding wedges. At least 120 linear feet of CWD per acre (at least 16" in diameter and 16 ft. in length) would be reserved (RMP, pg. 38). Where CWD is lacking in the above quantities, extra green trees would be reserved for future CWD recruitment (RMP pg. 65).

4. **To prevent and report accidental spills of petroleum products or other hazardous materials:**

Hazardous materials (particularly petroleum products) would be stored in durable containers and located so that any accidental spill would be contained. All landing trash and logging materials would

be removed. Accidental spills or discovery of the dumping of any hazardous materials would be reported to the Sale Administrator and the procedures outlined in the "Roseburg District Hazardous Materials (HAZMAT) Emergency Response Contingency Plan" would be followed.

5. **To contain and/or reduce the spread of noxious weeds:**
Stipulations would be incorporated into the logging contract to prevent and/or control the spread of noxious weeds. This would include the cleaning of logging equipment prior to entry on BLM lands (BLM Manual 9015 - Integrated Weed Management).

6. **To protect Special Status and SEIS Special Attention Plants and Animals:**
a. Special Attention (Survey and Manage) plant and animal sites would be protected according to established management recommendations (RMP, pg. 42).

b. If, during implementation of the proposed action, any Special Status (threatened or endangered, proposed threatened or endangered, candidate, State listed, Bureau sensitive or Bureau assessment) species are found, evaluation for the appropriate type of mitigation needed for each species would be done. Stipulations would be placed in the contract to halt operations if any of these Special Status plants or animals are found to allow time to determine adequate protective measures before operations could resume.

7. **To protect cultural resources:**
Stipulations would be placed in the contract to halt operations and evaluate the appropriate type of mitigation needed to provide adequate protection; if any objects of cultural value (e.g. historical or prehistorical ruins, graves, fossils or artifacts) are found during the implementation of the proposed action.

D. Alternatives Considered but Eliminated

Several additional alternatives were considered but eliminated. These consisted of administrative actions that would provide access to both parties. One alternative would scrap the original agreement and negotiate a new agreement requiring all lands to conform to the new environmental standard. A second option would be to pursue easements. These options require bilateral agreement and were rejected by Lone Rock Timber (K. Hoffine, Lone Rock Timber; telephone conversation, March 20, 2001).

III. AFFECTED ENVIRONMENT

This section describes the existing environment and forms a baseline for comparison of the effects created by the alternatives under consideration. This section does not attempt to describe in detail every resource within the proposed project area that could be impacted but only those resources which could be significantly impacted. Appendix F (Analysis File) contains data and supporting information that provides the basis for describing the affected environment.

This project lies within the Oregon Western Cascades Physiographic Province. The FSEIS describes the affected environment for this province on page 3&4-19. The Roseburg District Proposed Resource Management Plan/Environmental Impact Statement (PRMP/EIS, pp. 3-3 through 3-71) provides a detailed description of BLM administered lands on the Roseburg District.

The proposed project areas are not known to be used by, or disproportionately used by, Native Americans, minorities or low-income populations for specific cultural activities, or at greater rates than the general population. According to 2000 Census data approximately six percent of the population of Douglas County was classified as minority status (*Oregonian*, Pg. A-12; March 15, 2001). It is estimated that approximately 15% of the county is below the poverty level (Frewing-Runyon, 1999).

A. General Setting

This project is entirely within the Plat I drainage (sixth-field) of the Lower North Umpqua fifth-field watershed. This watershed covers approximately 106,190 acres (165 square miles). Current landscape patterns consists predominantly of non-forested agricultural and pasture lands and numerous small residences within the rural/urban interface. Three major highways and two small towns (Glide and Sutherlin) are located within the watershed. The BLM manages 12,377 acres of this watershed (approximately 12% of the land base).

The proposed right-of-way on BLM, including the two landings and the associated tramway yarding wedges, would be located primarily on ridgetops (stable road construction) excepting approximately three stations (300 ft.) of 45-50% side slope construction for the Section 27 right-of-way. These three stations of right-of-way are on stable locations for road construction with balanced cut and fill, and without the need for full-bench construction which generates excess fill material.

B. Affected Resources

The affected area was surveyed for the resources listed below according to established protocols:

Botany - No Special Status or Survey and Manage (S&M) plants were observed in the project area.

Cultural Resources - No cultural resources were found in the project area.

Fisheries - No perennial streams or streams with fish presence are known to occur within a quarter mile of this proposed action. Section 27 lies above the Cooper Creek dam, which is a barrier to threatened coho salmon and other anadromous fish. Streams within Section 29 flow for about a mile before entering Sutherlin Creek. Coho salmon and other pacific salmonids are suspected in the lower reaches of Sutherlin Creek.

Hydrology - The proposed crossing plat is located within the Sutherlin Creek drainage, of the Lower North Umpqua fifth-field watershed. Neither Sutherlin Creek nor Cooper Creek are listed as water quality impaired (Oregon DEQ, 1998).

Soils - The slopes of the yarding wedges for both locations range from 50 to 70 percent. The sites are currently stable to erosion. The soils for all road and wedge locations are well drained, loamy and very shallow to moderately deep (5 to 40 inches) over brittle, somewhat hard sandstone. Signs of slope instability are largely lacking (slumpy ground, conifer boles bowed in shape). Landslides and tension cracks are absent. All slopes are planar and convex (a more stable condition).

Wildlife - Federally Threatened and Endangered (T&E) species known to occur in the Roseburg District include the northern spotted owl (*Strix occidentalis caurina*), marbled murrelet (*Brachyramphus marmoratus*), bald eagle (*Haliaeetus leucocephalus*), Columbian white-tailed deer (*Odocoileus virginianus*), Canada lynx (*Lynx canadensis*) and Fender's blue butterfly (*Icaricia icarioides fenderi*). The proposed action is beyond the 1.2 mile home range of any known spotted owl site. The nearest spotted owl nest site is approximately 1.9 miles away. Neither section is designated as critical habitat (a specific geographical area specified by the US Fish and Wildlife Service (FWS) in Recovery Plans as containing habitat essential for the conservation of a T&E species) for the northern spotted owl. This project occurs more than 50 miles from the Coast and therefore is not considered to contain suitable marbled murrelet habitat. No bald eagle nests or winter roosting areas are known to occur within the project area, therefore no effects to bald eagles are anticipated. The forested areas to be treated are not preferred habitat for the Columbia white-tailed deer. Therefore no effects to Columbia white-tailed deer are anticipated. The remaining T&E species do not occur in the project area.

Survey and Manage Species The federal lands to be harvested are considered to be suitable habitat for the red tree vole. A survey of the area has located a red tree vole platform in the ROW in Section 29. At this time it is unknown if it is active or not. There is no suitable habitat for mollusks, therefore, no effects are anticipated.

IV. ENVIRONMENTAL CONSEQUENCES

This section provides the evidence and analytical basis for the comparisons of the alternatives. The probable environmental consequences (impacts, effects) to the human environment that each alternative would have on selected resources are described. This section is organized by the alternatives and the effects on selected resources. Analysis considers the direct impacts (effects caused by the action and occurring at the same place and time), indirect impacts (effects caused by the action and occurring later in time or farther removed in distance) and cumulative impacts (effects of the action when added to other past, present and reasonably foreseeable future actions) on the resource values. Appendix F (Analysis File) contains additional supporting information for this analysis. The EIS and FSEIS analyzes the environmental consequences in a broader context. This EA does not attempt to reanalyze impacts that have already been analyzed in these documents but rather to identify the particular site specific impacts that could reasonably occur. Environmental effects to the "Critical Elements of the Human Environment" is analyzed in Appendix D.

The Lone Rock Timber Company has developed a ten year logging plan for the Wahl Tract. A portion of this harvest would be removed from landings on federal land under the proposed action. NEPA only requires that the environmental effects that occur on federal lands be analyzed, therefore the environmental effects of activity on Lone Rock Timber Company lands is not analyzed.

Some irreversible and irretrievable commitment of resources would result from the implementation of this project. An irreversible commitment is a commitment that cannot be reversed whereas an irretrievable commitment is a commitment that is lost for a period of time. An irreversible commitment of petroleum fuels for road building, logging, and timber hauling would result from the proposed action.

When encountering a gap in information, the question implicit in the Council on Environmental Quality regulations on incomplete and unavailable information was posed: Is this information "essential to a reasoned choice among the alternatives"? (40 CFR 1502.22(a)). While additional information would often add precision to estimates or better specify a relationship, the basic data and central relationships are sufficiently well established that any new information would not likely reverse or nullify understood relationships. Although new information would be welcome, no missing information was determined as essential for the decision maker to make a reasoned choice among the alternatives.

A. No Action Alternative

This alternative would not result in legal access to BLM lands. It would not meet the objective of the RMP (pg. 71) of gaining access to public lands to meet management objectives. LRT would log their lands without using landings on BLM lands. It is not known how they would log their lands. Possible options could include uphill logging to constructed spurs and landings on LRT property or downhill cable logging to existing roads. Helicopter logging is also a possibility.

Harvest related impacts would not occur on federal lands under this alternative because spurs would not be built and the yarding wedge would not be harvested. Therefore current plant diversity, composition and viability would not be modified. Hydrologic processes would continue at existing rates and levels. The probability of landslides would remain low.

B. Proposed Action Alternative

The proposed right-of-way in Section 27 would enable LRT to uphill yard approximately 15 acres in the southeast corner of Section 22, which lies on a north facing slope visible from Cooper Creek Reservoir. Harvest of this area would occur regardless of whether BLM would approve the proposed RROW amendment or not. The proposed right-of-way in Section 29 would enable LRT to uphill yard approximately 35 acres in the northwest corner of Section 28 which would not be visible from Cooper Creek. The proposed action would allow BLM use of approximately six miles of existing natural surfaced roads and roads to be built or reconstructed by LRT in order to access two BLM parcels of 160 acres for which there is no current legal access. Access is necessary to manage these lands.

Botany - Direct effects are those actions that cause direct mortality of Special Status and SEIS Special Attention Plants such as ground disturbance or alteration of microclimatic conditions favorable to the sustained viability of plants. Temporary road construction would likely reduce the diversity, composition, and viability of vascular and non-vascular plants along the length of their disturbance (Miller 1997) and changes to microclimatic conditions within adjacent forest edges could affect plants

negatively, however no Special Status and SEIS Special Attention Plants would be affected since they do not occur. Indirect effects include possible spread of noxious weeds. Exposed soil is highly preferred by noxious weeds and invasive nonnative species. Noxious and invasive weed seeds are often introduced from seeds carried into the area by construction equipment.

Fisheries - Direct effects are those actions that cause direct mortality, such as accidental chemical spills and direct disturbance of redds. Generally, direct impacts occur from work within or adjacent to fish bearing streams. Indirect effects include increased sediment and water temperature, altered streamflows, and altering large woody inputs. No direct or indirect impacts would be expected by granting this Right-of-Way. The entire project would occur more than 400 ft. from any drainage capable of transmitting effects downstream to areas were fish are present. Stream temperature, sediment delivery, woody debris processes would all remain at existing rates and levels. No habitat element is expected to be degraded at the site or fifth-field watershed scale. Indirect effects to fisheries from actions on BLM lands is expected to be inconsequential.

Hydrology - Direct effects are those actions that cause direct changes to the stream channel morphology, hydraulic geometry, or water quality. The Proposed Action Alternative would not likely result in any increase in erosion, sedimentation, or turbidity within Cooper Creek, Sutherlin Creek, or any of the tributary streams below the project area. A small intermittent tributary exists just southeast of the proposed project area (Section 27). The inception point is on LRT lands however only a small portion on BLM lands would be within the Riparian Reserve defined by this stream. This area would be outside the yarding wedge. Actions that indirectly effect hydrology and water quality include changes in road densities, runoff and sediment transport, streamside shading, and large woody debris recruitment. No change in stream temperature, large woody debris, water pH, dissolved oxygen, or other chemical parameters is likely to occur under the Proposed Action because of the intermittent nature of the stream and distance from any disturbance.

Soils - Direct effects consists of those actions that cause a reduction in soil productivity such as compaction due to road construction, soil loss through erosion, displacement of soil through mechanical means (logging and road building) and alteration of the soil's nutrient, physical and biological properties through slash burning. The construction of two unsurfaced spurs would result in disturbance of about 0.5 acres. Much of the cut portions of these cut-and-fill spurs would be in hard sandstone bedrock. Erosion would be small and temporary. Any sediment would filter into the forest floor. The primary indirect effect is any landslides that might occur as a result of the action alternatives. Eighty-four (84) percent of all the up-slope, non-road associated landslides identified in the Oregon Department of Forestry's Storm Impacts and Landslides of 1996 study were on slopes greater than 70 percent (page 49). The study covered the aftermath of high intensity, short return interval storms of that year. The probability of landslides being generated by harvesting the 50 to 70 percent sloped wedges would be low based on the study results, the lack of substantial signs of site instability and application of best management practices (dry season yarding with at least one-end suspension, and waterbarring the roadbed after harvesting). The indirect effects of any landslide that might occur would likely be small and not reach a stream. The closest inception point of a stream is 400 feet below the bottom tip of the Section 27 wedge. The pathway of a landslide past the wedge toward this inception point would be

through uncut forest. The vegetative buffer would serve to halt the advance of a landslide moving past the cut wedge. This action would be in conformance with ACS objectives since there would be low probabilities of landslide occurrence and low probabilities of landslides reaching a stream.

Wildlife - Direct effects consists of direct mortality or disturbance to species. This action would result in the direct loss of less than one acre of nesting and roosting habitat and one acre of foraging/dispersal habitat for the Northern Spotted Owl and the loss of approximately two acres of suitable red tree vole habitat. Indirect effects include the alteration of habitat that would affect species. This would include: (1) increases in solar radiation reaching the forest interior adjacent to the harvested areas resulting in an increase in average daily temperature, increased evapo-transpiration, and increased shrub/herb growth in the stand interiors; and (2) openings could allow increased wind movement in the forest interior resulting in wider fluctuation in temperature and humidity; and an increased chance of windthrow along the edges. Over time the edge should re-establish itself and a new equilibrium would be established. Changes in the environmental gradient could be deleterious to the owl and red tree vole but the small size of the opening and corresponding impacts would be rather minimal. The short spurs and small openings on federal lands would not result in any major changes to dispersal patterns of the spotted owl across the landscape.

C. Cumulative Impacts Analysis

The following paragraphs discuss the cumulative impacts of the action. Cumulative impacts are described for federal lands in the FSEIS beginning on page 3&4-4 and throughout the chapter based on the resource affected. Unless otherwise noted, these effects are described in the context of the fifth-field watershed scale and a decade or more. There has been a continued conversion of late seral and old-growth habitat on private, industrial forest lands to early seral stages. Current management strategies on most of this private land would preclude the development of older seral conditions in the future. The proposed action would provide access to 160 acres of BLM matrix lands that would be made available for future harvest. There are no plans to harvest these lands at present, however the PRMP/EIS assumed for analysis that all matrix land is harvested by age 80. The site specific environmental effects of any harvest in these areas would be analyzed in future EA's along with additional ESA consultation.

Hydrology and Soils - Cumulative impacts to hydrology and water quality are measured as an increase in harvested acres and road miles within the watershed. Disturbance from less than an acre of temporary road construction and decommissioning would not likely result in any increase in turbidity in either Cooper or Sutherlin Creeks and would not add to the cumulative impacts of sedimentation and water quality.

Wildlife - This action would result in the cumulative loss of less than one acre of nesting and roosting habitat and one acre of foraging/dispersal habitat for the Northern Spotted Owl and approximately two acres of suitable red tree vole habitat.

V. CONTACTS, CONSULTATIONS, AND PREPARERS

A. Agencies, Organizations, and Persons Consulted

The Agency is required by law to consult with the following federal and state agencies (40 CFR 1502.25):

1. **Threatened and Endangered (T&E) Species Section 7 Consultation -** The Endangered Species Act of 1973 (ESA) requires consultation to ensure that any action that an Agency authorizes, funds or carries out is not likely to jeopardize the existence of any listed species or destroy or adversely modify critical habitat. Consultation is also required for activity on private lands if the federal action is "interrelated and interdependent" with the activity on private lands. Consultation for activities on Lone Rock Timber Company lands is required as an "interrelated and interdependent" action.

a. The Roseburg District's Biological Assessment (BA) for T&E wildlife species consultation has been submitted to the **US Fish and Wildlife Service** (FWS). The BA made the determination that this project would result in a "not likely to adversely affect" (NLAA) for the spotted owl or marbled murrelet. A Letter of Concurrence is expected in mid-June.

b. The Swiftwater Fisheries Biologist has determined this action to be a "no effect" for the Oregon Coast coho salmon and the Oregon Coast steelhead trout or their designated critical habitat therefore consultation with the **National Marine Fisheries Service** (NMFS) is not required.

2. **Cultural Resources Section 106 Consultation -** National Historic Preservation Act (Section 106) responsibilities under the 1997 National Programmatic Agreement and the 1998 Oregon Protocol has been completed. No consultation with the **State Historical Preservation Office** (SHPO) is required.

B. Public Notification

1. A letter was sent to five **adjacent landowners**. No comments were received (see Appendix G - Public Contact).

2. Letters were sent to three **private organizations** or individuals representing private interests. Comments were received from Francis Eatherington representing Umpqua Watersheds, Inc. (see Appendix D - Issue Identification Summary).

3. Letters were sent to two local governmental departments. No comments were received Notification will also be provided to certain **State, County and local government** offices (see Appendix G - Public Contact).

4. A 30-day **public comment period** will be established for review of this EA. A Notice Of Availability will be published in the *News Review*. This EA and its associated documents will be sent to all parties who request them. If the decision is made to implement this project, a notice will be published in the *News Review*.

C. List of Preparers

Lyle Andrews	Management Representative
Isaac Barner	Cultural Resources
Dan Cressy	Soils
Chris Foster	Wildlife
Darrel Green	Engineering Lead / Team Leader
Steve Kropp	Hydrology
Jim Luse	Environmental Coordinator / EA Preparer
Garth Ross	Fisheries
Ron Wickline	Botany

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U.S. Department of the Interior, Bureau of Land Management. September 2000. North bank habitat management area/ACEC - final environmental impact statement.

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CRITICAL ELEMENTS OF THE HUMAN ENVIRONMENT

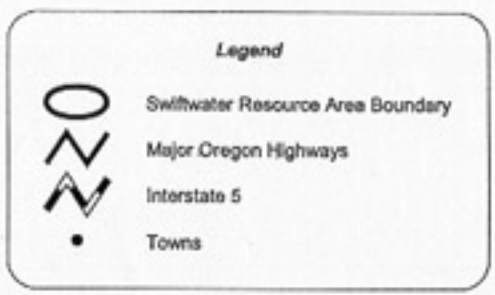
The following elements of the human environment are subject to requirements specified in statute, regulation, or executive order. These resources or values are either not present or would not be affected by the proposed actions or alternatives, unless otherwise described in this EA. This negative declaration is documented below by individuals who assisted in the preparation of this analysis.

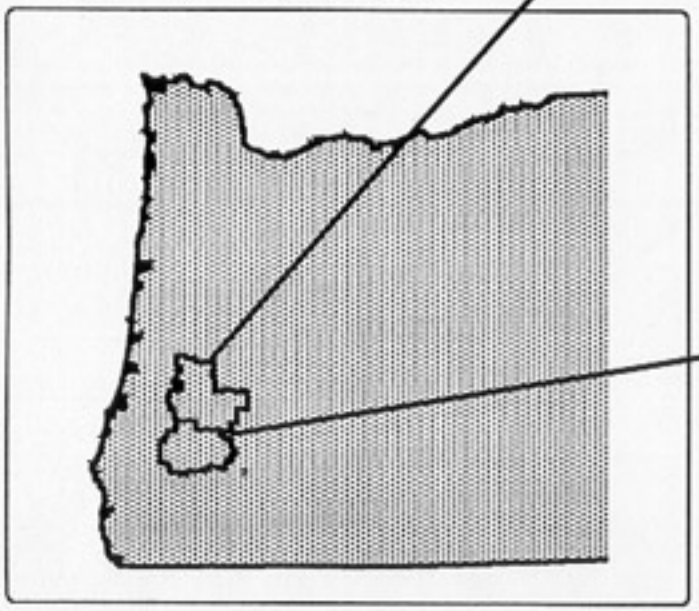
Element	Responsible Position	Not Present	Not Affected	In Text	Initials	Date
Air Quality	Fuels Management Specialist			T	KC	4/19/01
Areas of Critical Environmental Concern	Environmental Specialist	T			JSL	4/18/01
Cultural Resources	Archeologist	T			INB	4/18/01
Environmental Justice	Environmental Specialist		T	T	JSL	4/18/01
Farm Lands (prime or unique)	Soil Scientist		T		DCC	4/19/01
Flood Plains	Hydrologist	T			SJK	4/18/01
Invasive, Nonnative Species	Botanist		T	T	RSW	4/19/01
Native American Religious Concerns	Environmental Specialist		T		JSL	4/18/01
Threatened or Endangered Species (fish)	Fisheries Biologist		T		GRR	4/19/01
Threatened or Endangered Species (plants)	Botanist		T		RSW	4/19/01
Threatened or Endangered Species (wildlife)	Wildlife Biologist			T	CCF	4/21/01
Hazardous/Solid Wastes	District Hazardous Materials Coordinator	T			GDC	4/20/01
Water Quality Drinking/Ground Water	Hydrologist			T	SJK	4/18/01
Wetlands/Riparian Zones	Hydrologist	T			SJK	4/18/01
Wild and Scenic Rivers	Recreation Planner	T			DE	4/18/01
Wilderness	Recreation Planner	T			DE	4/18/01

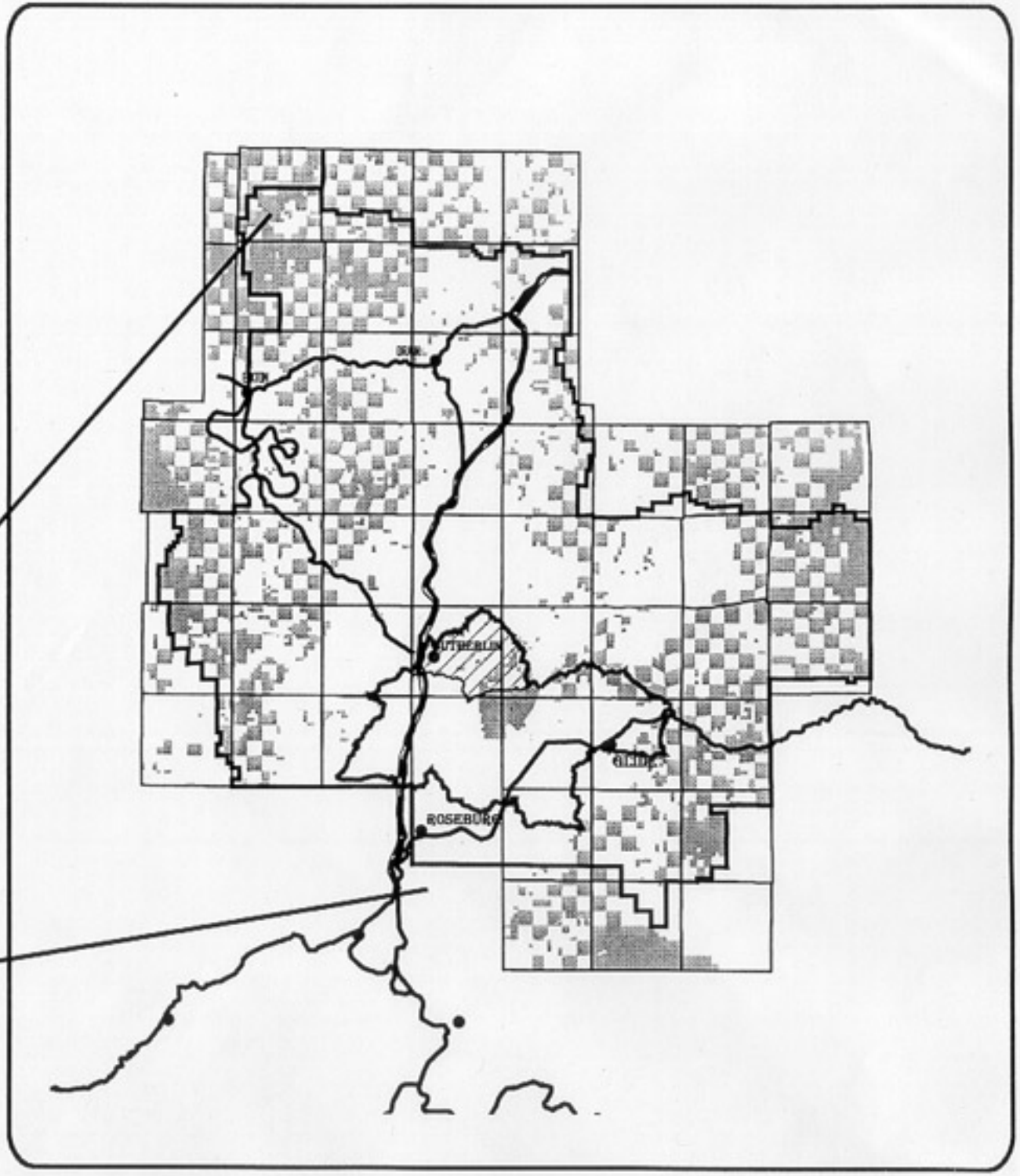
Appendix A

Vicinity Map

Wahl Tract Crossing



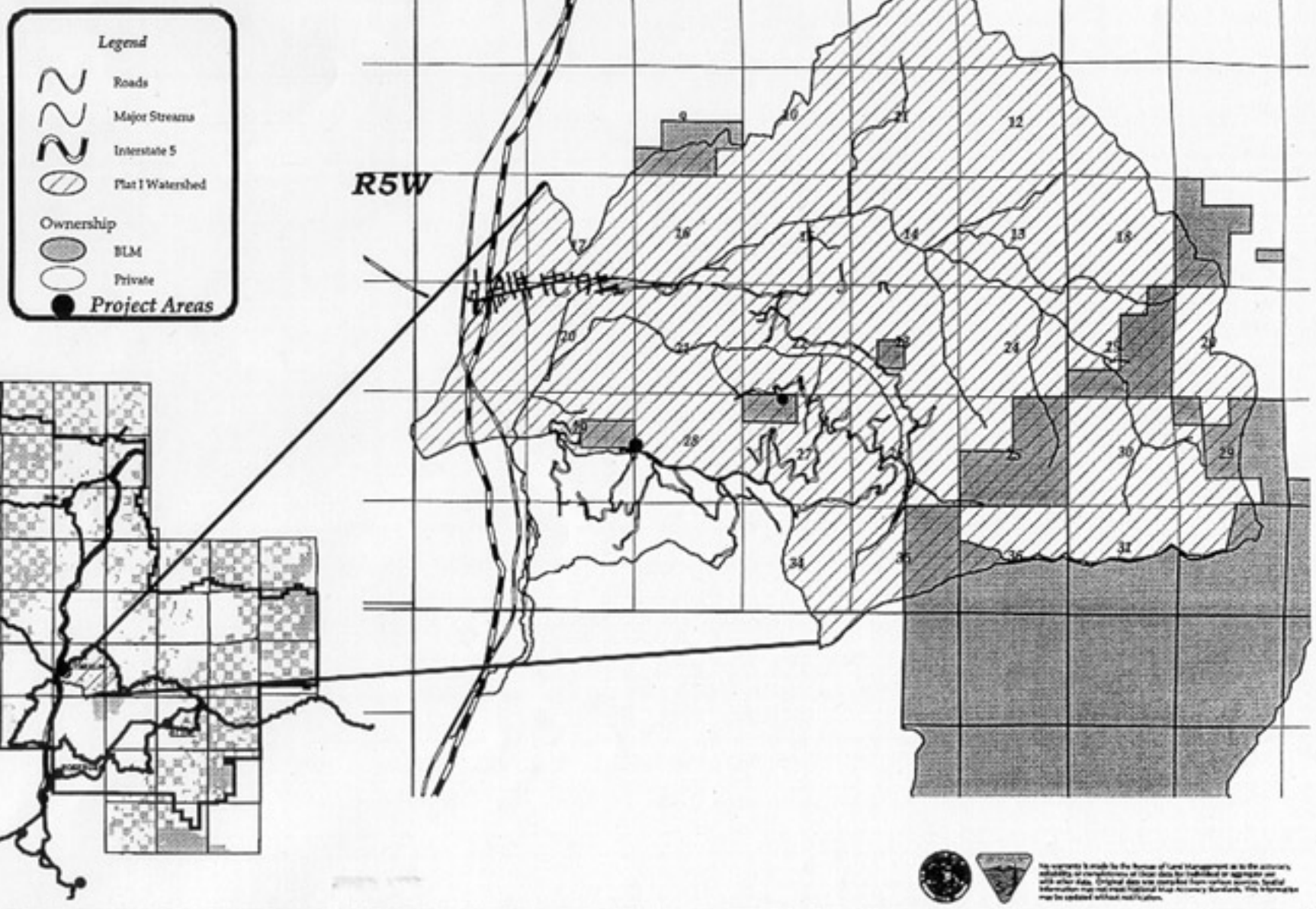




Appendix B

Tract Map

Wahl Tract Right of Way

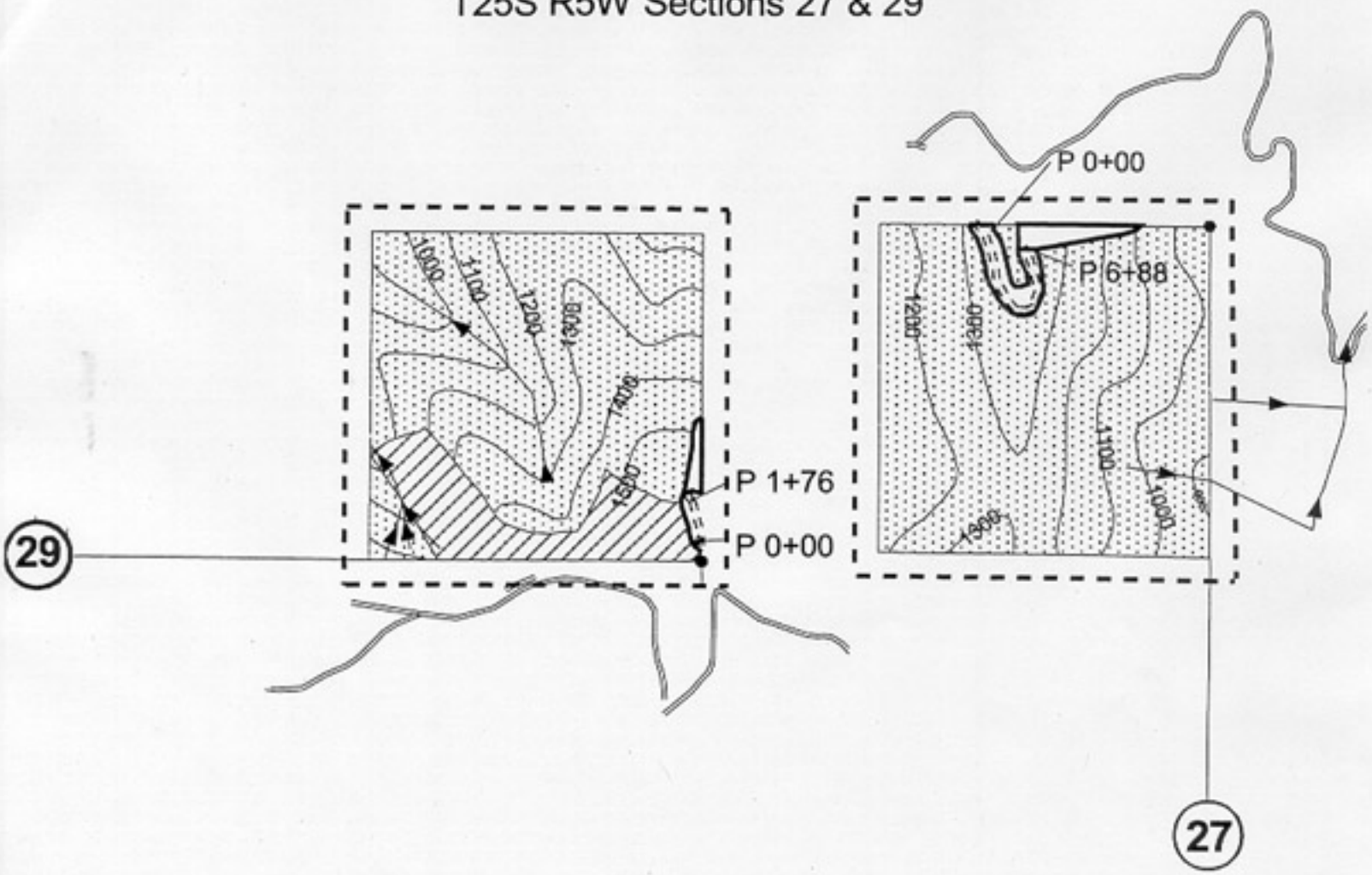


APPENDIX C

Individual Unit Map

Wahl Tract

T25S R5W Sections 27 & 29



LEGEND

Scale: 1"= 750 Ft.

- Proposed Harvest Area- Cable Yarding
- Mature and/or Old Growth (>80 years)
- Classified Non-Forest
- Stream
- Found Corner
- Existing Road
- Temporary Road -To Be Constructed
- Boundary - Unit
- Boundary of Project Area

APPENDIX D

ISSUE IDENTIFICATION SUMMARY

This appendix summarizes the issues that were identified pertinent to this project. No further analysis was deemed necessary in that the mitigations called for were considered adequate to remove the issue from needing to be analyzed in the main body of the EA.

A. Issues Identified During Project Design

The following issues were identified during project design. An issue can arise from Specialist input as part of the interdisciplinary process as well as from public comments that are received. A given issue can be eliminated from further analysis for one or more of the following reasons: (1) it is beyond the scope of this analysis, (2) the impacts were anticipated and analyzed in the FEIS, (3) Project Design Feature's (PDF's) included in the preferred alternative would be adopted to mitigate the anticipated environmental impacts of specific activities, and (4) the issue does not meet the objectives and purpose of the project. Section II, paragraph C (pg. 4) provides a list of specific PDF's incorporated into the preferred alternative to deal with these issues.

No issues were identified as a result of the interdisciplinary process that could not be mitigated through application of PDF's.

The following issues were identified as the result of public comments received from Umpqua Watersheds (email message, February 13 and March 1, 2001):

Issue #1: Location of the project in proximity to Cooper Creek

Discussion: Concerns were expressed that due to the proximity of this project to Cooper Creek Reservoir, significant impacts could impact water quality of a reservoir which is a source of water for the City of Sutherlin. Visual impacts to a popular recreational use area were also cited along with possible negative impact on the local economy resulting from loss of visitor use of Cooper Creek.

Response: The Hydrologist in his report concluded that "[t]he Action Alternatives would not likely result in any increase in erosion, sedimentation, or turbidity within Cooper Creek, Sutherlin Creek, or any of the tributary streams below the project area" (EA, pg. 10). The impacts of Lone Rock Timber's actions are beyond the scope of this analysis, however the Sutherlin Water Control District has reviewed Lone Rock Timber's logging plans and are comfortable with their approach (personal conversation, March 23, 2001).

Only a very small portion of the BLM lands in Section 27 are visible from Cooper Creek and is classified as Visual Resource Management (VRM) class 4 (no management restrictions). These impacts were anticipated and analyzed in the FEIS (pg. 4-68). These standards only apply to federal lands. BLM has no authority to apply these standards to private lands. Any loss of revenue to the local economy due to the loss of recreation at Cooper Creek would be very speculative and difficult to quantify.

Issue #2: Possible mercury contamination from sedimentation resulting from the construction of new roads.

Discussion: Mercury contamination has been a problem in local reservoirs and has been identified by the Department of Environmental Quality (DEQ) as present in Cooper Creek reservoir.

Response: The source of mercury contamination in Cooper Creek Reservoir is unknown. It is assumed that the contamination in the local area is due in large measure to past mining of mercury and the abandoned mines east of Sutherlin. Mine tailings were also used throughout the immediate area as a source of gravel for road surfacing. It is not anticipated that high levels of mercury would be present on federal portions of this project or on Lone Rock Timber lands since no past mercury mines exist at these locations.

Norm Bing (personal conversation, March 23, 2001) of the Sutherlin Water Control District has stated that this problem has been studied and mercury is present in reservoirs from Cottage Grove to Galesville. He believes it may occur naturally throughout the area resulting in higher background levels. Mercury has not shown up in any water samples (mercury is not water soluble). Since mercury is a heavy metal it settles to the bottom in the silt were it enters the food chain and bioaccumulates. It is found most notably in fish and therefore is a concern to public health from a fish consumption standpoint. Mercury is not a concern to the Sutherlin water supply.

It has not been established if mercury occurs in great amounts in the natural soil. The disturbance of less than half an acre of soil from road building would likely result in an insignificant amount of mercury contamination, if present at all. The Soil's Report (pg. 1) concluded that erosion from the construction of new roads would be "small and temporary . . . [and] sediment would filter into the forest floor". This issue is beyond the scope of this analysis. NEPA (CEQ Regulation 40 CFR 1500.1 para. (b)) requires that documents "concentrate on issues that are truly significant to the action in question rather than amassing needless detail." The effects of mercury would be remote and speculative at this point and would not add substantive information to this analysis.

Issue #3: Public Access to landlocked BLM parcels.

Discussion: The proposed action would result in legal access to public lands. These roads would still be controlled by Lone Rock Timber who would be able to deny access to the public.

Response: There is a public perception that the citizenry has a right of access to all public lands and the government, in the process of gaining access across private lands, automatically obtains access rights for the public at large. Private entities do not surrender exclusive rights to their lands when they enter into agreement with the government unless they specifically agree to do so. Furthermore, all roads owned and controlled by the federal government are not considered "public roads". This interpretation was upheld in King v. Edward Hines Lumber Co. "The United States upon land of which it is the proprietor has complete power to exclude all persons therefrom, to issue special permits . . . and prescribe the manner in which they shall be used, and who shall use them." This ruling further stated that BLM roads were private roads within the meaning of the Oregon traffic laws. A May 27, 1970 Solicitor's opinion states "The fact that the BLM allows the general public to use such roads without permit does not make them public roads since the United States retains the power to control all activity on these roads **including use by the general public** [emphasis added]." BLM roads and public lands are owned by all citizens in general but no citizen in particular.

B. Issues Specified by Regulation

"Critical Elements of the Human Environment" is a list of elements specified in BLM Handbook H-1790-1 that must be considered in all EA's. These are elements of the human environment subject to requirements specified in statute, regulation, or Executive Order. These elements are as follows:

1. Air Quality
2. Areas of Critical Environmental Concern (ACEC)
3. Cultural Resources
4. Environmental Justice
5. Farm Lands (prime or unique)
6. Floodplains
7. Invasive, Nonnative Species
8. Native American Religious Concerns
9. Threatened or Endangered Species
10. Wastes, Hazardous or Solid
11. Water Quality, Drinking / Ground
12. Wetlands / Riparian Zones
13. Wild and Scenic Rivers
14. Wilderness

These resources or values (except item #9) were not identified as issues to be analyzed because: (1) the resource or value does not exist in the analysis area, or (2) no site specific impacts were identified, or (3) the impacts were considered sufficiently mitigated through adherence to the NFP S&G's and RMP Management Actions/Direction therefore eliminating the element as an issue of concern. These issues are also briefly discussed in Appendix E ("Critical Elements of the Human Environment"). Item #9 is addressed in the Specialist's Reports (Appendix F) and the Biological Assessment which is prepared for consultation required by the Endangered Species Act.

C. Issues to be Analyzed

No issues were identified as having sufficient potential affect to warrant more detailed analysis.

APPENDIX E

CRITICAL ELEMENTS OF THE HUMAN ENVIRONMENT

Element	Relevant Authority	Environmental Effect
Air Quality	The Clean Air Act (as amended)	Dust particles may be released into airshed as a result of road construction and timber hauling.
Areas of Critical Environmental Concern	Federal Land Policy and Management Act of 1976 (FLPMA)	Project area is not within or near a designated or candidate ACEC
Cultural Resources	National Historic Preservation Act (as amended)	Project exempt from SHPO review (Cultural Report 3/07/01).
Environmental Justice	E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations	Minority and low-income populations would not be adversely or disproportionally effected by this action (EA, pg. 7).
Farm Lands (prime or unique)	Surface Mining Control and Reclamation Act of 1977	"No discernable effects are anticipated" (PRMP pg. 1-7).
Floodplains	E.O. 11988, as amended, Floodplain Management, 5/24/77	Project is not within 100 year floodplain.
Invasive, Nonnative Species	Lacey Act (as amended) Federal Noxious Weed Act of 1974 (as amended) Endangered Species Act of 1973 (as amended) E.O. 13112, Invasive Species, 2/3/99	Project Design Features would be included into the contract to prevent or control the spread of noxious weeds (EA, pg. 6)
Native American Religious Concerns	American Indian Religious Freedom Act of 1978	No concerns are noted.

Element	Relevant Authority	Environmental Effect
Threatened or Endangered Species	Endangered Species Act of 1973 (as amended) The Pacific Coast Recovery Plan for the American Peregrine Falcon, 1982 Columbian White-tailed Deer Recovery Plan, 1983 Recovery Plan for the Pacific Bald Eagle, 1986 Recovery Plan for the Marbled Murrelet, 1997 Biological Opinion and Conference Opinion - Implementation of Land and Resource Plans (USFS) and Resource Management Plans (BLM), March 18, 1997 [NMFS]	**Botanical** - No T&E species noted (Specialist Report 3/07/01). **Fish -"No effect" -** Oregon Coast coho salmon (Specialist Report 3/17/01). **Wildlife - "Not Likely to Adversely Affect" -** Spotted owl and Marbled Murrelet (Biological Assessment). T&E species not specifically mentioned do not exist in the analysis area.
Wastes, Hazardous or Solid	Resource Conservation and Recovery Act of 1976, as amended Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended	Applicable HazMat policies would be in effect.
Water Quality, Drinking / Ground	Safe Drinking Water Act as amended Clean Water Act of 1977	No concerns noted as a result of contact with the Sutherlin Water Board.
Wetlands/Riparian Zones	E.O. 11990, Protection of Wetlands, 5/24/77	"The selected alternative [of the FEIS] complies with [E.O. 11990]..."(ROD p. 51, para.7)
Wild and Scenic Rivers	Wild and Scenic Rivers Act (as amended) The North Umpqua Wild and Scenic River Plan (July 1992)	Project is not within the North Umpqua Scenic River corridor.
Wilderness	Federal Land Policy and Management Act of 1976 Wilderness Act of 1964	"There are no lands in the Roseburg District which are eligible as Wilderness Study Areas." (RMP pg. 54)